



Leadership through Innovation: California's Occupational Safety and Health Program

Introduction

Since 1914, leaders in government, business and labor in California have been deeply committed to the safety and health of working men and women in the Golden State. The California Industrial Safety Commission was formed to ensure that these protections were guaranteed, in statute, to California's workers.

Today, the internationally respected California Division of Occupational Safety and Health (Cal/OSHA) identifies and carries on the Industrial Safety Commission's mission to implement programs and services that mitigate or eliminate exposure to safety and industrial hygiene hazards in the workplace.

The following provides a perspective on the scope and extent of the Cal OSHA program to address on-going and emerging issues that face California's workers in the 21st century.

Cal OSHA – Unique Among State Programs

The State of California is one of 26 states and territories in the United States that administer a federally-approved occupational safety and health (OSHA) state plan. The Cal/OSHA program was initially approved by federal OSHA in April 1973 and was certified as having completed all developmental steps in August 1977 by federal authorities.

California is one of only three programs that develops and promulgates its own workplace safety and health standards, in addition to responding to federal program changes meant to expand protections at the federal level. The leadership of Cal/OSHA collaborates closely with the Occupational Safety and Health Standards Board, an independent seven-member body appointed by the Governor.

To maintain an open and frank dialogue with a myriad of stakeholders, Cal/OSHA regularly convenes the Cal/OSHA Advisory Committee, comprised of representatives from business, labor, the public and academia. Special advisory committees are also convened on an as-need basis to gain input and perspective on various topics. Recently, this has included the Health Expert Advisory committee to explore the coverage of the state's permissible exposure limits for contaminants; the Heat Illness Prevention Advisory Group to provide feedback on the first heat standard in the nation; and the Advisory Group on Aerosol Transmissible Disease, to give feedback on the nation's first comprehensive occupational health and safety standard to protect health care workers from aerosol transmissible diseases including tuberculosis, measles, and pandemic influenza.

In 1991, California adopted an Injury and Illness Prevention Program standard to ensure that employers have a safety and health program tailored to their specific establishments. Although there is no comparable Federal standard, Federal OSHA has complimented the state on having a standard in place.

Cal/OSHA is not funded from California's General Fund. To ensure a stable funding source - particularly during turbulent economic times - the leadership of Cal/OSHA sought, and received, legislative approval to create the Occupational and Safety and Health Fund, which receives revenue from a fee assessed on worker compensation premiums.

A Strategic Vision for the Future

Cal/OSHA's Strategic Vision is to promote workplace safety and health by motivating employers and employees to be actively involved in preventing hazards in the workplace, thus leading to reduced injuries and illnesses. It includes three key goals:

Goal 1: Improve workplace safety and health for all workers through direct intervention methods that result in fewer hazards, reduced exposures, and fewer injuries, illnesses and fatalities.

Goal 2: Promote a workplace culture that increases employer and employee awareness of, and commitment to, involvement in safety and health.

Goal 3: Maximize Cal/OSHA's capabilities by improving the effectiveness and efficiency of its programs and services.

Cal OSHA's enforcement and consultation programs focus on an integrated approach to ensure the greatest impact on high-hazard industries, such as construction and manufacturing, which have the highest preventable injury, illness and worker's compensation rates.

2009 Accomplishments

During FY 2009, Cal/OSHA achieved or surpassed most activity measures outlined in the FY 2009 Annual Performance Plan.

- Enforcement exceeded the goal of 8,500 inspections, and identified 16,525 hazards, potentially affecting the estimated 2,966,139 workers employed at those establishments. The breakout of violations includes:

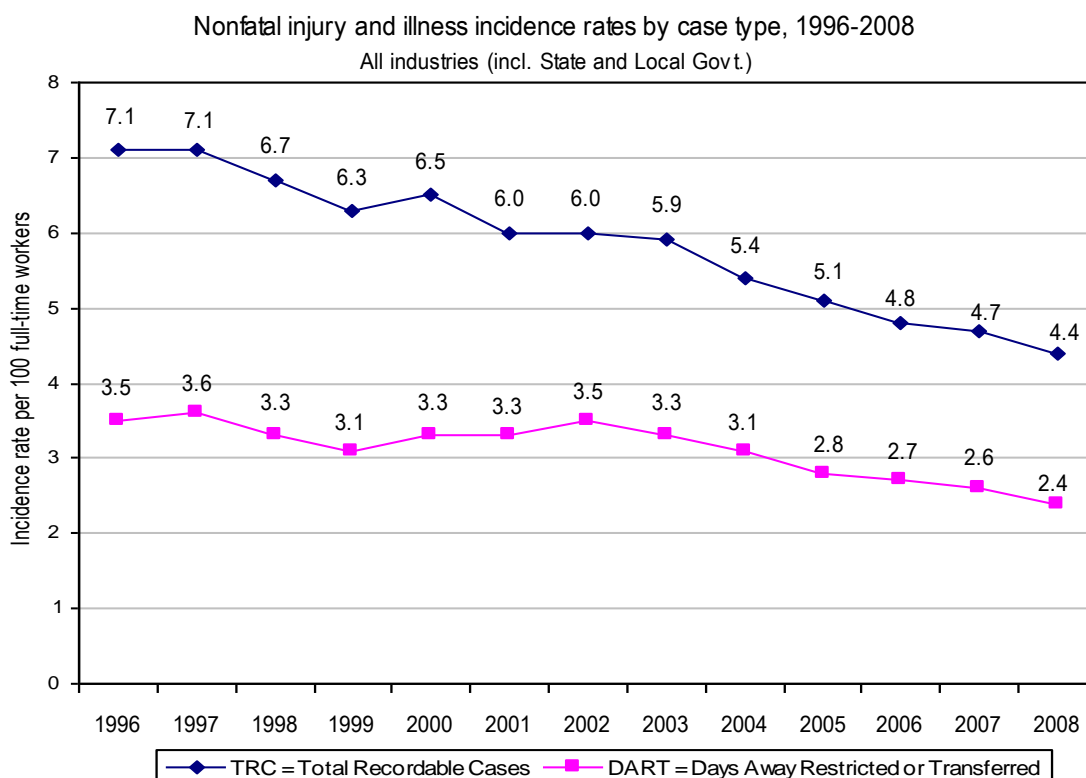
Willful:	9
Repeat:	63
Serous:	3,048
Other:	13,404

- Examples of High Profile Enforcement cases include:
 - A. Teichert & Son Inc. dba Teichert Construction - In October 2008, two pipe layers drowned while inside a pipeline that was engulfed by water when an excavator ruptured a waterline and filled the excavation and pipe where the employees were working. Cal/OSHA issued two serious willful citations for failure to safely locate subsurface installations and failure to remove employees when a competent person previously found evidence that a hazardous condition existed. Penalties of \$140,000 were assessed.
 - Marquez Marquez Food Products – An accident investigation was opened in May 2009, after an employee while cleaning a dough feeder, fell into a dual horizontal screw conveyor in the machine, resulting in the amputation of his right arm. While investigating this accident, the Cal/OSHA inspector learned of an amputation five years earlier that had never been reported. A serious willful accident related violation was proposed with a \$70,000 penalty, and multiple serious machine guarding violations were cited also. Total penalties were \$130,000.
 - Unistar Food Processing – Following an amputation of an employee's right hand and lower arm in an unguarded meat grinder, Cal/OSHA issued a serious willful citation with three serious violations. Penalties totaled \$83,700.
- Economic and Employment Enforcement Coalition (EEEC) – In 2005, Governor Schwarzenegger announced the formation of the EEEEC – a partnership of state and federal agencies, collaborating for vigorous and targeted enforcement against unscrupulous businesses. A critical goal is to level the playing field while restoring competitive advantage to law abiding businesses and their employees. Cal/OSHA is an active member of the EEEEC team, and participated in inspection sweeps in agriculture, car wash, construction, garment manufacturing, restaurant, wooden pallet repair & manufacture, and auto body repair industries.
- The Consultation Service continued to fulfill its mission to encourage voluntary compliance by conducting 3,544 on-site visits to provide technical assistance and training. A key operating goal of consultation is to assist employers in developing and implementing an effective Injury and Illness Prevention Program (IIPP). Since 2005, nearly 20,000 employers have received on-site and training assistance (affecting over one million workers and employers) aimed at identifying and correcting over 50,000 hazards and unsafe work practices.
- Consultation's partnership programs have become the gateway to success, leading to the implementation of best practices, moving IIPP performances from effective to stellar levels, and motivating employers in all industries.
- The Golden Gate Partnerships is an entry-level program for small high-hazard employers. A total of 321 were awarded in 2009, where 197 were awarded in 2008. Employers must have established minimally effective IIPPs to receive recognition from Cal/OSHA. This substantial increase of interest has had a

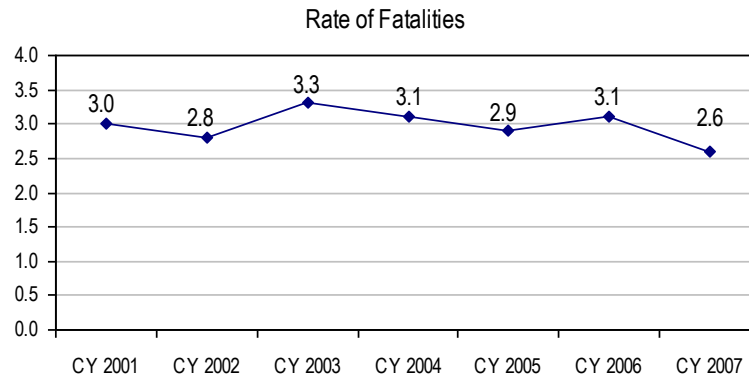
positive effect upon the SHARP (Safety and Health Awareness Recognition Program) and Cal VPP (Voluntary Protection Program) programs as the Golden Gate program is a conduit to the higher level programs.

Program Impact

The integrated efforts of the enforcement and consultation programs are having a significant impact. Cal/OSHA continues to see a decrease in on-the-job total recordable case (TRC) injury and illness incidence rates. This improved workplace safety trend continued in 2008 when overall workplace injuries and illnesses declined from 4.7 per 100 full-time workers in 2007 to 4.4 in 2008.



The total number of fatalities also decreased during FY 2007 to 461 compared to 537 in FY 2006. Preliminary data published by the Bureau of Labor Statistics indicates that the number of fatalities has again decreased in FY 2008 to approximately 404. In light of concerns that the current recordkeeping system is not receiving accurate information from some employers, Federal OSHA has implemented an OSHA 300 log initiative to evaluate how accurately selected employers are recording injuries and illnesses. Cal/OSHA intends to implement a similar review in California. The impact upon future fatality statistics resulting from this review is unknown at this time.



Cal/OSHA is strongly committed to sustaining the trend of declining workplace injury, illness and fatality rates. Although enforcement and consultations are vital to the reduction of workplace injuries, illnesses and fatalities, Cal/OSHA will continue to aggressively supplement its efforts with incentive and education programs and targeted outreach that promotes voluntary compliance.

Public Safety Program

In the interest of providing maximum protection of employees as well as the general public, the Cal/OSHA program has implemented numerous permit, registration, certification and notification requirements.

Permits

- *Construction Activities:* a permit must be secured for all trenches and excavations five feet or deeper where employee entry is required; for the construction/demolition of any building, structure, scaffolding or falsework more than three stories high or the equivalent (36'); and erection/dismantling of vertical shoring systems more than three stories or equivalent to 36'
- *Tower Cranes:* permits are required for fixed and mobile cranes
- *Tunneling or Underground Mining:* the use of diesel engines in mines and tunnels requires a permit
- *Pressure Vessels:* permits are required for air tanks, LPG propane storage tanks over 125 gallons, and high pressure boilers over 15 psig steam
- *Elevators:* the new installation and operation of passenger/freight elevators and other passenger lifts and conveyances requires a permit and annual renewal
- *Portable Amusement Rides and Bungee Jumping:* the operation of all amusement rides including bungee jumping requires a permit
- *Aerial Passenger Tramway:* an operating permit is required

Registrations

- *Asbestos Abatement Contractors:* employers or contractors engaged in asbestos-related work by disturbing more than 100 square feet of asbestos-containing material (greater than 0.1 percent asbestos by weight)
- *Carcinogen Users:* under certain circumstances, employers using a regulated carcinogen must file a report of use

Certifications

- *Cranes:* certification is required for operating cranes with a rated capacity of over three tons
- *Mining and Tunneling:* all underground mining and tunneling operations require certification of safety representatives and/or gas testers.
- *Asbestos Consultants and Technicians:* any person who contracts to provide consulting activities relating to asbestos-containing construction material greater than 100 square feet must be certified.
- *Permanent Amusement Rides (Qualified Safety Inspector):* no person shall perform the services of a QSI for permanent amusement rides unless they hold a valid QSI certificate issued by Cal/OSHA

Notifications

- *Asbestos Abatement:* employers or contractors must send notification prior to each asbestos job
- *Lead Work Pre-Job Notification:* under certain circumstances, employers or contractors involved in lead work must send notification prior to the start of the job
- *Annual Permit-Holder:* each annual permit holder must notify Cal/OSHA at least 24 hours prior to each activity which is subject to the permit requirements
- *Serious or Fatal Accident:* employers must report work-related or suspected work-related fatalities, catastrophes, and serious injuries or illnesses immediately to the nearest District office
- *Mine Notification:* the owner, operator or person in charge of any mine shall notify the Mining and Tunneling Unit before commencing operations
- *Underground Mine and Tunnel Notifications:* responsible management officials must notify the Mining and Tunneling unit immediately in instances of fire, hoisting mishaps, sudden inflows of dangerous gases or water, and ground instability whether or not persons are injured; and, tunnel operators must notify the Mining and Tunneling unit if a fire breaks out and injures employees within 24 hours

Special Initiatives

Continued Partnership with Agriculture Organizations to Conduct Heat Illness Training for Farm Labor Contractors

The California Department of Industrial Relations (DIR) and Cal/OSHA partnership with California's agricultural organizations to quickly deliver critical heat illness prevention training to Farm Labor Contractors (FLCs) continued during 2009. As in 2008, the critical goal in 2009 was to provide comprehensive training to reduce deaths and illnesses by raising awareness to the deadly toll heat can take on workers. Bilingual training sessions were held around the state to cover the four elements of the Heat Illness Prevention Program. Almost 2,000 people were trained of which almost 800 were FLCs.

Heat Illness Prevention Enforcement and Outreach

Cal/OSHA again directed an intensified enforcement effort by conducting over 3,230 heat inspections (programmed and unprogrammed) during 2009. A total of 1,158 heat illness violations were cited, and over \$1 million in penalties were assessed.

To complement the enforcement effort, Cal/OSHA enforcement staff and a compliance assistance person participated in over 172 outreach activities to get the word out on heat illness prevention. Outreach activities included participation in Spanish radio programs, community events and educational workshops targeting outdoor workers such as agriculture and construction to raise awareness on heat illness and assist employers to develop and implement a heat illness prevention program.

Cal/OSHA Consultation staff conducted over 2,331 on-site visits and outreach training to agricultural and construction employers and sites. This included over 50 formal heat training seminars and workshops. An estimated 500,000 workers were affected through this statewide educational endeavor.

Aerosol Transmissible Disease/Zoonotic Disease Protection

After considerable research and consultation with a host of stakeholders, Cal/OSHA submitted to the California Occupational Safety and Health Standards Board the nation's first comprehensive occupational safety and health standard to protect health care workers and workers in other high risk occupations from aerosol transmissible diseases (ATD) including tuberculosis, measles, and pandemic influenza. A companion measure intended to protect workers from zoonotic diseases also passed unanimously. The standards took effect in August 2009. Training and outreach efforts through multiple venues have included formal classroom training, webinar presentations, train-the-trainer sessions were conducted in collaboration with the California Department of Public Health, and numerous training sessions included the University of California labor organizations, hospital engineers, and nurses associations.

Three implementation advisory committees have been held, the Cal/OSHA Consultation Service is working on an initial e-tool, and a Cal/OSHA question and answer document is planned for 2010.

Partnerships

Lincoln Bypass Project (Cal Trans Partnership)

In June 2008, Cal/OSHA and the California Department of Transportation (Cal Trans) entered into a partnership in the interest of achieving voluntary and enhanced workplace safety and health at selected worksites. A \$324 million project to construct a new highway, sound walls and seventeen bridges near the town of Lincoln was selected for this partnership. A Senior Safety Engineer accompanied by representatives from Cal Trans and the contractors conduct onsite compliance assistance inspections. Hazards of a serious nature are corrected immediately, and a written report of the observed items is provided to all concerned parties. The partnership has been successful and mutually beneficial to all parties involved. The employers are provided with guidance of experienced health and safety enforcement personnel and Cal/OSHA is able to bring less-experienced inspectors to a large construction site for hands-on training.

San Francisco-Oakland Bay Bridge “Touchdown” Project (Cal Trans) Partnership

This project involved the construction, over the bay, of two concrete freeway bridges. Over the course of the partnership, fourteen groups of compliance assistance site inspections were conducted. Typically, visits were by a safety engineer and an industrial hygienist. Over 140 non-compliant conditions were documented in compliance assistance letters. Abatement was achieved at the time the hazards were identified, or if not feasible, as soon as practicable. During the project, two accidents were investigated, neither of which resulted in serious injury.

2009 Labor Day Bridge Rollout Project (Cal Trans)

This partnership project involved the 5-day removal and replacement of a large portion of the Bay Bridge. Most of the work occurred approximately 130 above Yerba Buena Island. This project involved a nearly continuous (day and night) Cal/OSHA presence for a limited 5 day period. Two Cal/OSHA engineers – one safety and one health – identified 23 non-compliant issues, of which most were serious. All were abated at the time of identification. No accidents involving serious injury occurred.

Cal/OSHA, U.S. Labor Department’s OSHA and Region IX OSHA Training Institute Education Centers form a Safety and Health Alliance

The three Education Centers in California joined Federal OSHA Region IX and Cal/OSHA to form an alliance. This alliance provides the Education Centers and others with information, guidance, and access to training resources that will help protect employees’ health and safety. The alliance also provides an opportunity for parties to participate in a voluntary cooperative relationship with OSHA for training and education, outreach and communication, and promoting a national dialogue on workplace safety and health.

Recognition Programs

California Voluntary Protection Program (Star and VPP Construction)

Cal VPP is a top-level safety and health leadership program designed for fixed and non-fixed establishments. Statewide recognition and exemption from programmed inspections are the two critical incentives for these establishments with excellent safety and health programs.

SHARP (Safety and Health Achievement Recognition Program)

This is the mid-level recognition program that may offer eligible employers an exemption from Cal/OSHA Enforcement programmed inspections.

Golden Gate

This is the entry-level program for small high-hazard employers and is site specific. Participating employers must have an established, minimally effective injury and illness prevention program in order to receive recognition. This program does not offer inspection exemption.

Cal/OSHA in the 21st Century

The leadership team at Cal/OSHA, in conjunction with the strong and continuing support of the Department of Industrial Relations, will aggressively pursue every opportunity to promote our mission. An integrated approach using enforcement, onsite consultation, technical assistance, voluntary compliance, standards promulgation and training and education will build upon stakeholder input to maximize the impact of our efforts. The ultimate goal is not to issue citations and levy penalties, rather to change the culture of the employer community through the use of the various tools available to us.